

JUDGE RAMOS
CIVIL COVER SHEET
14 CV 1405
MAR 03 2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Dante Ramos and Pedro Gil

DEFENDANTS

The Mark Restaurant Management LLC, The Mark Hotel Management LLC, The Mark 2 Restaurant LLC, Madison Avenue Hotel Partners LLC, Alexico Management Group, Inc., Jean-Georges Vongerichten, and Phil Suarez

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Outten & Golden LLP
3 Park Ave, 29 FL
NY, NY 10016

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT		
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST		
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	21 USC 881	[] 430 BANKS & BANKING		
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 369 PRODUCT LIABILITY	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 440 COMMERCE		
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 450 DEPORTATION		
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)		
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE LIABILITY	[] 372 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT		
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL INJURY	[] 690 OTHER	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV		
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE			
[] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY	PRISONER PETITIONS		[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 875 CUSTOMER CHALLENGE		
[] 195 FRANCHISE	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 883 DIWC/DIWV (405(g))		
[] 210 LAND CONDEMNATION	CIVIL RIGHTS	[] 28 USC 2255	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 864 SSID TITLE XVI	[] 890 12 USC 3410 OTHER STATUTORY ACTIONS		
[] 220 FORECLOSURE	[] 441 VOTING	[] 530 HABEAS CORPUS	[] 740 RAILWAY LABOR ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS		
[] 230 RENT LEASE & EJECTMENT	[] 442 EMPLOYMENT	[] 535 DEATH PENALTY	[] 790 OTHER LABOR LITIGATION	[] 871 IRS-THIRD PARTY	[] 892 ECONOMIC STABILIZATION ACT		
[] 240 TORTS TO LAND	[] 443 HOUSING/ ACCOMMODATIONS	[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC SECURITY ACT	26 USC 7609	[] 893 ENVIRONMENTAL MATTERS		
[] 245 TORT PRODUCT LIABILITY					[] 894 ENERGY ALLOCATION ACT		
[] 290 ALL OTHER REAL PROPERTY			IMMIGRATION		[] 895 FREEDOM OF INFORMATION ACT		
					[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE		
					[] 950 CONSTITUTIONALITY OF STATE STATUTES		

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN x IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)
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CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 2 <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 4 <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	PTF <input type="checkbox"/> 6 <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Dante Ramos: Bronx, NY
 Pedro Gil: Elmhurst, NY

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Mark Restaurant
 150 East 58th St. 33rd Fl
 New York, NY 10155

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 3/3/14 SIGNATURE OF ATTORNEY OF RECORD *Rachel B.* ADMITTED TO PRACTICE IN THIS DISTRICT
 NO
 YES (DATE ADMITTED Mo. 01 Yr. 2007)
 Attorney Bar Code # RB6919

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)